

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

In the Matter of) CV. NO. 03-00672 SOM-BMK

The Complaint of MORNING STAR)
CRUISES, INC., a Hawaii corporation.)

SHIROH FUKUOKA, Individually and) CV. NO. 04-00588 SOM-BMK

as Personal Representative of THE)

ESTATE OF MITSUKO FUKUOKA,)

and as Next Friend of MIHO)

FUKUOKA, a Minor,)

[CONSOLIDATED]

AFFIDAVIT OF GREGORY K.
MARKHAM

Plaintiffs,)

vs.)

MORNING STAR CRUISES, INC., a)

Hawaii corporation; JOHN DOES 1-)

10, JANE DOES 1-10, DOE)

CORPORATIONS 1-10, DOE)

PARTNERSHIPS 1-10, DOE JOINT)

VENTURERS 1-10, DOE LIMITED)

LIABILITY ENTITIES 1-10, DOE)

NON-PROFIT ENTITIES, 1-10, DOE)

GOVERNMENTAL ENTITIES 1-10,)

DOE UNINCORPORATED)

ENTITIES 1-10, and OTHER DOE)

ENTITIES 1-10,)

Defendants.)

reason of the incident on August 14, 2002 or ascertaining claims in respect of which Morning Star Cruises, Inc. seeks exoneration from or limitation of liability file a claim on or before July 12, 2004.

6. That counsel for Limitation Defendants Shiroh Fukuoka, Individually and as Personal Representative of the Estate of Mitsuko Fukuoka, and as Next Friend of Miho Fukuoka, a Minor, approved the order and filed an answer to the Complaint.

7. Because all known defendants were served, Limitation Plaintiff neglected to prepare a notice to claimants.

8. Limitation Plaintiff seeks to publish a notice to claimants pursuant to, Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims, Federal Rules of Civil Procedure.

9. An enlargement of time is needed to afford any claimants the requisite thirty (30) days to file claims. No additional claimants have identified themselves during the period this action has been pending and prejudice to the parties is anticipated by the request for enlargement of time.

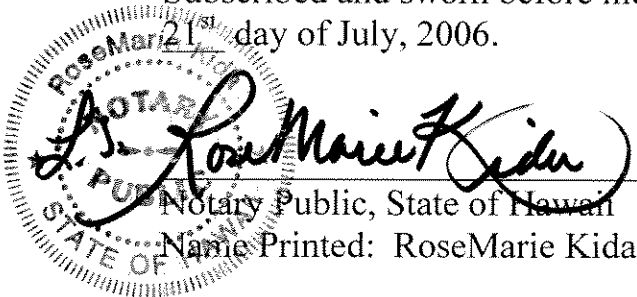
10. Limitation Plaintiff will publish a notice to claimants immediately upon the granting of its motion. A copy of the Notice to Claimants is attached hereto as Exhibit "A."

FURTHER AFFIANT SAYETH NAUGHT.



GREGORY K. MARKHAM

Subscribed and sworn before me this
21st day of July, 2006.



Notary Public, State of Hawaii
Name Printed: RoseMarie Kida

My commission expires: 9/5/07